

**Nicholas J. Henderson, OSB #074027**

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Motschenbacher & Blattner, LLP

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF OREGON

In re:

PETER SZANTO,

Debtor.

Case No. 16-33185-pcm11

Adv. Proc. No. 16-03114-PCM

DECLARATION OF TROY G. SEXTON IN  
SUPPORT OF DEFENDANTS' AWARD OF  
ATTORNEYS FEES.

PETER SZANTO,

Plaintiffs,

v.

EVYEE SZANTO, VICTOR SZANTO,  
NICOLE SZANTO, KIMBERLEY SZANTO,  
MARIETTE SZANTO, ANTHONY  
SZANTO, AUSTIN BELL, JOHN BARLOW,  
and BARBARA SZANTO ALEXANDER,

Defendants.

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ATTORNEYS FEES.

**MOTSCHENBACHER & BLATTNER LLP**

117 SW Taylor Street, Suite 300

Portland, Oregon 97204-3029

Telephone: 503-417-0500 • Fax: 503-417-0501

Troy G. Sexton declares as follows:

1. I am an associate attorney at Motschenbacher & Blattner, LLP. I make this declaration in support of the award of attorney's fees as a sanction against the Plaintiff and in favor of the Defendants. This declaration is made based on my personal knowledge.

2. It is part of the normal business practices for timekeepers at my firm to keep a daily record of the time they spend on each matter, together with a description of the work performed. These records are entered into timekeeping software and form the basis for the bills we send to clients. It is the practice within the Portland legal market to bill clients for work performed by paralegals and clerks apart from the work performed by attorneys.

3. Attached to this Declaration, as Exhibit 1, is a description of the time spent by each attorney who performed work on this case. Only time reasonably related to the Defendants' Motion for Contempt is included on Exhibit 1. The total amount sought is \$5,809.50.

4. The Defendants' attorneys are requesting an award of fees at their regular bankruptcy litigation rates. The billing rates for attorneys are consistent with the market rate for other Portland lawyers with experience and expertise comparable to the individuals listed.

5. Nicholas Henderson, timekeeper 11 on Exhibit 1, has 10 years of experience in bankruptcy and business litigation and has been recognized as an Oregon Super Lawyers "Rising Star" from 2009 through 2017. His hourly rate is \$375 per hour, which is consistent with rates charged in the locality by attorneys of similar experience and expertise.

6. I have 6 years of federal litigation and bankruptcy experience. My time is billed under timekeeper 12 in my firm's billing software as detailed on Exhibit 1. My hourly rate is

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\$315 per hour, which is consistent with rates charged in the locality by attorneys of similar experience and expertise.

7. Christopher Sturgeon, timekeeper 15 on Exhibit 1, is an experienced bankruptcy paralegal with 15 years of experience in private practice law offices and with the chapter 13 bankruptcy trustee.

I declare under penalty of perjury that the foregoing is true and correct.

DATED July 10, 2017.

**Motschenbacher & Blattner LLP**

/s/ Troy G. Sexton  
Troy G. Sexton OSB #115184  
Of Attorneys for Defendants

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Client	Date	Tmkr	Rate	Hours	Amount	Description
3643.001	06/06/2017	11	\$ 375.00	2.5	\$ 937.50	Review production from Plaintiff; analyze case law regarding interrogatory subparts; analyze compliance with same; analyze Contempt standards; draft email regarding Notice of Intent to File Motion for Contempt
3643.001	06/06/2017	11	\$ 375.00	3	\$ 1,125.00	Draft Motion for Contempt
3643.001	06/06/2017	15	\$ 150.00	0.8	\$ 120.00	Revise motion for contempt and related documents.
3643.001	06/07/2017	15	\$ 150.00	1.4	\$ 210.00	Finalize, serve and file motion for contempt (0.5); review and redact previously submitted documents from plaintiff for contempt motion (0.7); emails to and from N. Henderson and T. Sexton regarding same (0.2).
3643.001	06/27/2017	12	\$ 315.00	0.8	\$ 252.00	Conference with N. Henderson regarding contempt hearing argument; work on argument for same.
3643.001	06/28/2017	11	\$ 375.00	0.5	\$ 187.50	Conference with T. Sexton regarding hearing on motion for contempt.
3643.001	06/28/2017	12	\$ 315.00	3.1	\$ 976.50	Prepare for contempt hearing; review deposition transcripts and prior hearing transcript.
3643.001	06/29/2017	12	\$ 315.00	2.1	\$ 661.50	Prepare for and appearance at contempt hearing; conference with N. Henderson regarding same; work on order regarding same.
3643.001	07/05/2017	12	\$ 315.00	1.2	\$ 378.00	Draft order regarding judge ruling on contempt motion.
3643.001	07/06/2017	12	\$ 315.00	0.5	\$ 157.50	Revise order on contempt motion.
3643.001	07/06/2017	11	\$ 375.00	0.6	\$ 225.00	Review proposed Contempt Order.
3643.001	07/06/2017	15	\$ 150.00	0.5	\$ 75.00	Proof Contempt Order; serve same on Plaintiff.
3643.001	7/10/2017	12	\$ 315.00	1.6	\$ 504.00	Prepare declaration and exhibit regarding fees for Contempt Motion; analyze reasonableness of billing rates and standard of same.
Total					\$ 5,809.50	Szanto v. Szanto Adversary Proceeding

## **CERTIFICATE OF SERVICE**

I hereby certify that on July 10, 2017, I served the foregoing DECLARATION OF TROY G. SEXTON IN SUPPORT OF DEFENDANTS' AWARD OF ATTORNEYS FEES on the following by mailing first class, postage prepaid:

Peter Szanto  
POB 4614  
Portland OR 97208

And by email to:

szanto.pete@gmail.com

THE FOLLOWING WERE SERVED ELECTRONICALLY THROUGH ECF/PACER:

- DAVID OLSEN lawofficeofolsen@gmail.com
- US Trustee, Portland USTPRegion18.PL.ECF@usdoj.gov

MOTSCHENBACHER & BLATTNER, LLP

/s/ Christopher Sturgeon

Christopher Sturgeon, Legal Assistant  
Motschenbacher & Blattner LLP  
Of Attorneys for Defendants